

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

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GLENWOOD JOHNSTON, ET AL., on	:	
behalf of themselves and similarly situated	:	
employees,	:	
	:	
<i>Plaintiffs,</i>	:	Civil Action No. 2:17-1617 NBF
	:	
v.	:	Filed Electronically
	:	
TITAN LOGISTICS & RESOURCES,	:	
LLC; TONY DIGIAMBERDINE; AND,	:	
UNITED VISION LOGISTICS,	:	
	:	
<i>Defendants.</i>	:	
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**Plaintiffs’ Motion for Sanctions against Defendant United Vision Logistics
Regarding the UVL-Maintained Driver’s Daily Logs**

AND NOW COME PLAINTIFFS, by and through their undersigned counsel, and hereby file this Motion for Sanctions against Defendant United Vision Logistics Regarding the UVL-Maintained Driver’s Daily Logs.

This motion relates to the spoliation of thousands of material records in this case by Defendant UVL—specifically, the spoliation of more than 3,000 UVL-maintained Driver’s Daily Logs (“DDLs”) and associated data for at least 50 named and opt-in Plaintiffs from July through November 2017, the critical time period when the bulk of the driving and non-payment of wages occurred. As set forth in Plaintiffs’ brief in support (filed herewith), discovery has confirmed, well beyond a preponderance of the evidence, UVL’s spoliation of these records.

Accordingly, Plaintiffs move this Court to impose sanctions on Defendant UVL under (A) the Court’s inherent authority to impose sanctions for spoliation, (B) Federal Rule of Civil Procedure 37(e), and (C) Federal Rule of Civil Procedure 37(c)(1).

In terms of the relief sought, as explained in Plaintiffs’ accompanying brief in support, Plaintiffs respectfully ask this Court to impose remedial, punitive, and deterrent monetary

sanctions in the amount the Court believes appropriate, which Plaintiffs believe should be \$652,500 or more to be apportioned equally among the Plaintiffs (\$7,500 per plaintiff). In addition, Plaintiffs respectfully ask the Court to impose sanctions for the amount of Plaintiffs' counsel's reasonable attorneys' fees and costs, accrued through the close of briefing on this Motion for Sanctions, for their time expended in the pursuit of the UVL-maintained DDLs, responding to inaccurate statements by UVL concerning the DDLs, and seeking relief from UVL's spoliation.

Finally, Plaintiffs respectfully request the Court consider additional sanctions in its discretion that take into account the even greater prejudice that would have occurred to Plaintiffs but for Plaintiffs' counsel's tireless efforts to ferret out the spoliation, in order to deter other litigants from considering or employing similar conduct in this jurisdiction.

A proposed order is attached.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion for Sanctions against Defendant United Vision Logistics Regarding the UVL-Maintained Driver's Daily Logs. Plaintiffs also request that this issue not be sent to Special Master Soller. A proposed Order is attached.

Dated: January 28, 2021
Pittsburgh, PA

Respectfully submitted,

s/ Joseph H. Chivers
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